

1 JEFFER, MANGELS, BUTLER & MARMARO LLP
2 ROBERT C. GEBHARDT (Bar No. 48965) rgebhardt@jmbm.com
3 J.T. WELLS BLAXTER (Bar No. 190222) wblaxter@jmbm.com
4 Two Embarcadero Center, Fifth Floor
5 San Francisco, California 94111-3824
6 Telephone: (415) 398-8080
7 Facsimile: (415) 398-5584

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6 Attorneys For Defendant and Counterclaimant
7 EZGO, a division of TEXTRON INC.

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9 UNITED STATES DISTRICT COURT
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11 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

12 TK POWER, INC., a Nevada Corporation,
13 Plaintiff,
14
15 vs.
16 TEXTRON INC., a Delaware Corporation,
17 Defendant.

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19 CASE NO.: C 04-5098 EMC

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21 STIPULATION AND [PROPOSED] ORDER
22 EXTENDING TIME TO MEDIATE

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24 TEXTRON INC., a Delaware Corporation,
25 Counterclaimant,
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27 vs.
28 TK POWER, INC., a Nevada Corporation,
29 Counterdefendant.

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32 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN ALL PARTIES
33 IN THE ABOVE-ENTITLED ACTION through their respective counsel of record as follows:

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35 WHEREAS paragraph 4 of the Court's April 28, 2005 Case Management and Pretrial Order
36 for Jury Trial requires that "mediation shall be held in October or November 2005;"

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38 AND WHEREAS the parties have agreed to mediate this case before Hon. Alfred Chiantelli
39 on December 16, 2005;

1 IT IS HEREBY AGREED AND STIPULATED by and between all parties, through their
2 respective counsel that the Court's Case Management and Pretrial Order for Jury Trial may be
3 amended to allow the mediation to proceed in December 2005.

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5 **IT IS SO STIPULATED.**

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7 DATED: August 17, 2005

JEFFER, MANGELS, BUTLER & MARMARO LLP

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10 BY: _____ /S/

11 J.T. WELLS BLAXTER

12 Attorneys for Defendant and Counterclaimant EZGO, a
13 division of TEXTRON INC.

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DATED: August 17, 2005

CORNERSTONE LAW GROUP

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18 BY: _____ /S/

19 JOHN C. BROWN

20 Attorneys for Plaintiff and Counterdefendant TK
21 POWER, INC.

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ORDER

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Pursuant to foregoing stipulation, **IT IS SO ORDERED** that the Case Management and Pretrial Order for Jury Trial is hereby amended to allow the mediation of this action to proceed in December 2005.

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DATED: August 23, 2005

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